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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MS. J.P., MS. J.O., AND MS. R.M., on
behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

JEFFERSON B. SESSIONS III,
ATTORNEY GENERAL OF THE
UNITED STATES; KIRSTJEN
NIELSEN, SECRETARY OF
HOMELAND SECURITY; U.S.
DEPARTMENT OF HOMELAND
SECURITY, AND ITS SUBORDINATE
ENTITIES; U.S. IMMIGRATION AND
CUSTOMS ENFORCEMENT; U.S.

Case No. 2:18-cv-06081-JAK-SK

**PLAINTIFF'S FIRST SET OF
REQUEST FOR PRODUCTION OF
DOCUMENTS TO DEFENDANTS**

(FRCP RULE 34)

1 CUSTOMS AND BORDER
2 PROTECTION; ALEX M. AZAR II,
3 SECRETARY OF HEALTH AND
4 HUMAN SERVICES; U.S.
5 DEPARTMENT OF HEALTH AND
6 HUMAN SERVICES; SCOTT LLOYD,
7 DIRECTOR OF THE OFFICE OF
8 REFUGEE RESETTLEMENT; OFFICE
9 OF REFUGEE RESETTLEMENT;
10 DAVID MARIN, LOS ANGELES FIELD
11 OFFICE DIRECTOR, U.S.
12 IMMIGRATION AND CUSTOMS
ENFORCEMENT; LISA VON
NORDHEIM, WARDEN, JAMES A.
MUSICK FACILITY; MARC J. MOORE,
SEATTLE FIELD OFFICE DIRECTOR,
U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT; LOWELL CLARK,
WARDEN, TACOMA NORTHWEST
DETENTION CENTER,

Defendants.

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16 *Admitted pro hac vice

17 ** Institution listed for identification purposes only
18
19

20 PROPOUNDING PARTY: Plaintiffs MS. J.P., MS. J.O., AND MS. R.M.,
21 RESPONDING PARTY: Defendants
22 SET NO.: ONE
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Pursuant to Federal Rule of Civil Procedure 34, Plaintiffs Ms. J.P., Ms. J.O., and Ms. R.M., on behalf of themselves and all others similarly situated, hereby request that Defendants produce for inspection and photocopying all documents and tangible things responsive to the categories described below at the offices of Sidley Austin LLP, at 555 West Fifth Street, Suite 4000, Los Angeles, CA 90013, within thirty (30) days of service of this Request for Production of Documents.

DEFINITIONS

1. “COMMUNICATION(S)” means the transmittal or receipt of information (in the form of facts, ideas, inquiries or otherwise).

2. “DEFENDANTS” means: Jefferson B. Session III, Attorney General of the United States; Kirstjen Nielsen, Secretary of Homeland Security; United States Department of Homeland Security, and its subordinate entities; U.S. Immigration and Customs Enforcement; U.S. Customs and Border Protection; Alex M. Azar II, Secretary of Health and Human Services; U.S. Department of Health and Human Services; Scott Lloyd, Director of the Office of Refugee Resettlement; David Marin, Los Angeles Field Office Director, U.S. Immigration and Customs Enforcement; Lisa von Nordheim, Warden, James A. Musick Facility; Mark J. Moore, Seattle Field Office Director, U.S. Immigration and Customs Enforcement; Lowell Clark, Warden, Tacoma Northwest Detention Center.

3. “DOCUMENT(S)” is defined to be synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” in Fed. R. Civ. P. 34(a)(1)(A). A draft or non-identical copy is a separate document within the meaning of this term.

4. “IDENTIFY” means to give, to the extent known, the person’s full name, present or last known address, and telephone number.

5. “POSSESSION” refers both to Your actual and constructive possession.

6. “PUTATIVE CLASS MEMBER” as used herein shall refer to the persons belonging to the class proposed and defined in Plaintiffs’ Notice of Motion and Motion for Class Certification. (D.E. 81.)

7. “RELATING TO” includes without limitation: concerning, constituting, containing, embodying, identifying, dealing with, reflecting, mentioning, defining, explaining, evidencing, discussing, commenting upon, constituting, monitoring, supporting, evidencing, modifying, contradicting, quoting, criticizing, describing, creating or maintaining, bearing upon, relating to, referring to, having any relationship to, constituting a basis for, deriving or arising from, or in any manner whatsoever pertinent to that subject.

8. “YOU or YOUR” shall mean all Defendants as well as their predecessors and successors, subordinates, subordinate entities, employees, agents, attorneys, investigators, representatives, and any other person hired or employed by, or acting or purporting to act, on their behalf.

9. “ZERO TOLERANCE SEPARATION” shall mean the United States Government’s pattern, practice, or policy of separating migrant parents and children held in immigration detention without a showing that the parent was unfit or presented a danger to the minor child that preliminarily enjoined in *Ms. L. v. U.S. Immigration and Customs Enforcement*, No. 3:18-cv-00428, D.E. 83 (S.D. Cal. June 26, 2018) (Sabraw, J.).

INSTRUCTIONS

1. Each request calls for production of all DOCUMENTS in your possession, custody, or control.

2. The terms “ALL,” “ANY,” and “EACH” shall each be construed as encompassing any and all.

1 3. The terms “AND” and “OR” shall be interpreted conjunctively or
2 disjunctively, whichever would bring within the scope of each request documents that
3 otherwise might not be considered to be within the scope of the request.

4 4. The use of the singular form of any word includes the plural and vice versa.

5 5. Unless otherwise noted in a Request, the relevant time period for purposes of
6 these requests begins January 20, 2017.

7 **REQUEST FOR PRODUCTION**

8
9 **REQUEST FOR PRODUCTION NO. 1**

10 Documents sufficient to identify all putative class members.

11 **REQUEST FOR PRODUCTION NO. 2**

12 All documents relating to the decision to adopt the Zero Tolerance Separation
13 Policy, including but not limited to documents related to the potential effects of the
14 Zero Tolerance Separation Policy on the mental health of separated parents and
15 children.

16 **REQUEST FOR PRODUCTION NO. 3**

17 All documents related to the potential or actual effects of the Zero Tolerance
18 Separation Policy on the mental health of separated parents and children.

19 **REQUEST FOR PRODUCTION NO. 4**

20 All documents related to Your press releases or internal memoranda that
21 announced, explained, or implemented the Zero Tolerance Separation Policy,
22 including but not limited the internal memoranda themselves, drafts of those press
23 releases or internal memoranda, and any memoranda or guidance about how to
24 respond to questions from media or putative class members.

1 **REQUEST FOR PRODUCTION NO. 5**

2 All documents relating to the consideration of family separation as a means to
3 deter immigration, including but not limited to the consideration of family separation
4 discussed by then-DHS Secretary John Kelly on CNN on or about March 6, 2017.

5 **REQUEST FOR PRODUCTION NO. 6**

6 All documents relating to Your consideration of alternatives to detention of the
7 putative class members that would allow families to remain together, including but not
8 limited to community supported models such as the Family Case Management
9 Program that was initially implemented in January 2016.

10 **REQUEST FOR PRODUCTION NO. 7**

11 All documents related to the decision to close the Family Case Management
12 Program in 2017.

13 **REQUEST FOR PRODUCTION NO. 8**

14 All documents relating to any programs You have implemented to mitigate or
15 remediate the mental health impact of the Zero Tolerance Separation Policy on the
16 putative class members or their children.

17 **REQUEST FOR PRODUCTION NO. 9**

18 All documents, analyses, reports, and drafts thereof supporting Defendant
19 Nielsen's assertion that the Zero Tolerance Separation Policy was necessary due to the
20 marked increase in the number of adults arriving at the border with children and
21 fraudulently claiming to be a family unit.

22 **REQUEST FOR PRODUCTION NO. 10**

23 All documents, analyses, reports, and drafts thereof supporting President
24 Trump's statement that 80 percent of migrants who are released never show up for
25 their immigration hearings and disappear into the country.

1 **REQUEST FOR PRODUCTION NO. 11**

2 All documents related to the testimony Commander Jonathan White, Deputy
3 Director for Children's Programs of the Office of Refugee Resettlement, before the
4 Senate Judiciary Committee on or about July 31, 2018, including but not limited to
5 documents used in or reflecting Commander White's preparation for that testimony
6 and documents related to his testimony that concerns were raised during the
7 deliberative process about the potential harm to children resulting from family
8 separation.

9 **REQUEST FOR PRODUCTION NO. 12**

10 All documents relating to any health examination of any putative class members
11 or their children while in government custody.

12 **REQUEST FOR PRODUCTION NO. 13**

13 All documents relating to the mental health of putative class members or their
14 children, including but not limited to documents relating to mental health screenings,
15 evaluations, treatments, or diagnoses.

16 **REQUEST FOR PRODUCTION NO. 14**

17 All documents reflecting any policy, manual, procedure, training material, or
18 other similar document, applicable to or relating to the government's provision of
19 medical services to putative class members and their children.

20 **REQUEST FOR PRODUCTION NO. 15**

21 All documents relating to or similar to the Inmate Health Message Slip that You
22 submitted in this litigation (D.E. 138), including but not limited to communications
23 regarding the Inmate Health Message Slip or similar documents.

24 **REQUEST FOR PRODUCTION NO. 16**

25 All documents You have produced or will produce in other litigation related to
26 the Zero Tolerance Separation Policy, including but not limited to documents
27

produced in *Ms. L. v. U.S. Immigration and Customs Enforcement*, No. 3:18-cv-00428
(S.D. Cal.) (Sabraw, J.).

Dated: January 10, 2019

Respectfully Submitted,

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CERTIFICATE OF SERVICE

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } SS

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 555 W. 5th Street, Suite 41, Los Angeles, CA 90013.

On January 10, 2019, I served the foregoing document(s) described as:

PLAINTIFF'S FIRST SET OF REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANTS (SET ONE) on the following interested party in this action as follows:

See Attached Service List

[X] (VIA E-MAIL OR ELECTRONIC TRANSMISSION) I caused the document(s) to be sent to the person(s) at the e-mail address(es) listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

[X] (VIA U.S. MAIL) I served the foregoing document(s) by U.S. Mail, as follows: I placed true copies of the document(s) in a sealed envelope addressed to each interested party as shown above. I placed each such envelope with postage thereon fully prepaid, for collection and mailing at Sidley Austin LLP, Los Angeles, California. I am readily familiar with Sidley Austin LLP's practice for collection and processing of correspondence for mailing with the United States Postal Service. Under that practice, the correspondence would be deposited in the United States Postal Service on that same day in the ordinary course of business.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 10, 2019, at Los Angeles, California.

Denise D. Brown
Denise D. Brown

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